UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

CHARLES JUAN PROCTOR,) 3:12-cv-00328-MMD-WGC
Plaintiff,) <u>MINUTES OF PROCEEDINGS</u>
VS.) August 5, 2013
DR. VAN HORN, et al.,)
Defendants.))
PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE	
DEPUTY CLERK: Katie Lynn Ogden	REPORTER: FTR
COUNSEL FOR PLAINTIFF: Charles Juan Proctor, In Pro Per (Telephonically)	
COUNSEL FOR DEFENDANTS: Stephen D. Quinn, Esq.	

MINUTES OF PROCEEDINGS: Motion Hearing

10:35 a.m. Court convenes.

I. Plaintiff's Motion to File On Unserved Defendants (Dkt. #27) and Plaintiff's Motion to Extend Time (Dkt. #28)

Mr. Proctor indicates he has made progress identifying Jane Doe 1 and Jane Doe 2. Mr. Proctor asserts that Jane Doe 1 is Lois Elliott, a dental assistant who appears to have been terminated in June of 2011. As to Jane Doe 2, the only information Mr. Proctor has been able to obtain is the first name "Missy" who is still currently employed by the dental department. Mr. Proctor indicates he has submitted two kites to identify the full name of both Jane Doe 1 and Jane Doe 2 and requests that, once he receives the information, both Defendants be served.

Mr. Quinn advises the Court he has been able to identify the two dental technicians based on the allegations made by Mr. Proctor and his reference to the kites. Mr Quinn indicates that Jane Doe 1 is Lois Elliott¹, who was a formal dental assistant but is no longer employed at the dental department; and Jane Doe 2 is Sonja "Missy" Gleason, who is a dental assistant currently employed by the dental department.

¹ Thereafter the August 5, 2013 hearing, the Courtroom Administrator was informed via e-mail on August 6, 2013, that the correct spelling of Jane Doe 1 is: Lois Elliott.

MINUTES OF PROCEEDINGS

3:12-cv-00328-MMD-WGC

Date: August 5, 2013

Page 2

In view of the two Jane Doe Defendants being identified and Mr. Quinn's representation that Defendants do not anticipate objecting to the substitution of either Ms. Elliott or Ms. Gleason, the Court finds it appropriate to grant Plaintiff's oral motion to substitute Jane Doe 1 as Lois Elliott and Jane Doe 2 as Sonja "Missy" Gleason. Therefore, Plaintiff's Motion to File on Unserved Defendants (Dkt. #27) is **DENIED as moot**.

Mr. Quinn informs the Court that he will submit a Notice of Acceptance within a few weeks as to Ms. Elliott and Ms. Gleason. The Court suggests that Mr. Quinn also indicate whether the Defendants adopt the already filed Answer (Dkt. #24) as to either, or, as to both Ms. Elliott and Ms. Gleason. The Court reminds Mr. Quinn that if Defendants are not able to accept service on behalf of Ms. Elliott there is still the requirement to submit the last known address *under seal* of Ms. Elliott.

The Court further advises the parties that Plaintiff's Motion to Extend Time (Dkt. #28) is **GRANTED** to the extent the previously filed Scheduling Order (Dkt. #25), is **VACATED**. A new established Scheduling Order for Civil Rights Actions Filed by Incarcerated Pro Se Plaintiffs will be filed once the Court is in receipt of Defendants' Notice of Acceptance of Service.

II. AO 85 Notice of Availability, Consent, and Reference of a Civil Action to a Magistrate Judge Form

Mr. Proctor advises the Court he had submitted the AO 85 Notice, Consent, and Reference of a Civil Action to a Magistrate Judge Form; however, Mr. Proctor expresses concern that he may have not included the case number on the form. Mr. Proctor requests a new form be sent to him.

The Court directs the Courtroom Administrator to send Plaintiff a blank AO 85 Notice, Consent, and Reference of a Civil Action to a Magistrate Judge Form.

IT IS SO ORDERED.

10:58 a.m. Court Adjourns.	LANCE S. WILSON, CLERK
	By: /s/ Katie Lynn Ogden, Deputy Clerk